

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RAYSEAN HOWARD,	)	CASE NO. 1:23-CV-1174
	)	
Petitioner,	)	JUDGE CHARLES E. FLEMING
	)	
vs.	)	MAGISTRATE JUDGE
	)	CARMEN E. HENDERSON
WARDEN HAROLD MAY,	)	
	)	<b>OPINION AND ORDER ADOPTING</b>
Respondent.	)	<b>MAGISTRATE’S REPORT AND</b>
	)	<b>RECOMMENDATION</b>

On June 12, 2023, Petitioner Raysean Howard (“Petitioner”) filed a Petition for a Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). Petitioner additionally filed a motion to stay. (ECF No. 2). On July 21, 2023, Respondent opposed Petitioner’s motion to stay. (ECF No. 5). On January 5, 2024, Magistrate Judge Carmen E. Henderson submitted a Report and Recommendation (“R&R”), recommending that the Court deny the motion to stay and allow Petitioner thirty days to file a traverse in support of his petition. (ECF No. 9).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to an R&R within fourteen (14) days after service. The R&R gave the parties notice of the 14-day time limit for filing objections. (ECF No. 9). On January 5, 2024, a copy of the R&R was mailed to Petitioner. As of February 22, 2024, neither party filed any objections.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of the portions of the R&R to which the parties objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt an R&R without further review. *See Peretz v. US*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42, 149–50 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Henderson's Report and Recommendation, incorporates it fully herein by reference, and **DENIES** Petitioner's motion to stay. Petitioner shall file a traverse in support of his petition by **March 25, 2024**.

**IT IS SO ORDERED.**

Date: February 22, 2024

A handwritten signature in black ink, reading "Charles Fleming", written in a cursive style.

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**CHARLES E. FLEMING**  
**UNITED STATES DISTRICT JUDGE**